IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 646 of 2003
Date of Decision: 25.4.2007

Gram Panchayat Bharmour …Petitioner.

-versus-

State of H.P. & others. …Respondents.

Coram:

The Hon'ble Mr. Rajiv Sharma, J.

Whether approved for reporting?* Yes

For the petitioner : Mr. Vivek Thakur, Advocate.

For the Respondents : Mr. M.S. Chandel, Advocate General with
Mr. M.A. Khan & Meenakashi Sharma, Dy.AG.

Rajiv Sharma, J. (oral):

The sole question required to be determined is whether the fair of Chaurasi Temples in Bharmour, District Chamba is to be organized by the petitioner Gram Panchayat or on the basis of the Annexure P-18 dated 1st August, 2003.

Mr. Vivek Thakur Advocate appearing for the petitioner submits that the fairs within the territorial jurisdiction of the Gram Sabha are to be managed and organized by the Gram Panchayats alone. He further submits that the order Annexure P-18 dated 1st August, 2003 is not in accordance with law. He has brought to the notice of this Court section 20 of the H.P. Panchayati Raj Act, 1994 as well as Rule 40 of the H.P. Panchayati Raj (General) Rules, 1997 to strengthen his submission.

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* *Whether the reporters of the Local Newspapers may be allowed to see the Judgment?yes*

I have perused the record and heard the parties.

It is evident from section 20 of the H.P. Panchayati Raj Act, 1994 read with Rule 40 of the H.P. Panchayati Raj (General) Rules, 1997 that the fairs are to be managed and organized by the Gram Panchayats. The State cannot interfere in the management and organization of the fairs by issuing orders like Annexure P-18 dated 1st August, 2003. The role of the State is only to maintain law and order during the organization of fairs. There should not be any direct involvement of the State in the fairs to be organized by the Panchayats.

Accordingly the writ petition is allowed and the impugned order Annexure P-18 dated 1st August, 2003 is quashed and set aside. Respondents are directed to permit the petitioner Gram Panchayat to organize and manage the fairs of Chaurasi Temples at Bharmour, District Chamba. There shall be no order to costs.

(Rajiv Sharma), Judge.

April 25, 2007
Awasthi